

3 December 1983

SHOP TALK AT THIRTY

Libel and Reagan censorship

By Anthony Lewis

Journalists, like other groups, tend to exaggerate their problems.

When they say the First Amendment is crumbling, as they sometimes do, I am skeptical.

But I think there is reason for concern about the trend of libel cases these days: the outlandish damages claimed and often awarded by juries, the burdensome cost of defending against the most worthless claim.

And now there is doubt about the continuing availability of what has been the last essential protection against outrageous libel judgments: strict review of those judgments by judges of higher courts.

The Supreme Court has just heard arguments in a case in which a libel plaintiff maintains that appellate judges should have no power to overturn what he won in the trial court unless it is "clearly erroneous." He won at trial on what I regard as a far-fetched claim, with no showing of any actual injury. If he wins in the Supreme Court, the victory that freedom appeared to have won in *New York Times v. Sullivan* will have been undone. It is serious.

But the more serious threat to freedom, the one that should concern us urgently as journalists and citizens, is the secrecy campaign being carried on by President Reagan and his Administration.

I use the word campaign deliberately. We are all aware that in the last three years the Federal Government has taken steps to increase secrecy.

But I am convinced that they are more than isolated steps. They reflect a methodical, consistent and relentless effort to close off the sources of public knowledge on basic questions of national policy: to upset the Madisonian premise that American citizens must be able to examine public characters and measures.

We have a dramatic example at hand: the exclusion of the press from the invasion of Grenada. I make no point here of some special privilege for reporters; I do not believe in that.

The point, rather, is the one made by Justice Powell: that in the modern

world the public necessarily relies on the press to find out what is going on.

To keep reporters away from Grenada was to keep the public ignorant, and that was exactly the idea. Moreover, it worked.

This is not the place to argue the merits of the invasion, the need for it. But the Reagan Administration was able for a week to control most of the facts bearing on those questions, to assure that during that crucial period the public heard only its version of events — and formed a lasting judgment on that basis.

And so we heard that U.S. forces were bombing and shelling with surgical precision and thus had avoided causing civilian casualties — only to learn at the end of the week that a mental hospital had been bombed.

We were told by the admiral in charge, Wesley McDonald, that there were at least 1,100 Cubans on Grenada, all "well-trained professional soldiers;" at the end of the week the State Department agreed with the Cuban Government's estimate that fewer than 800 of its nationals were on Grenada — and said only about 100 were "combatants."

President Reagan said that the Soviet Union had "assisted and encouraged the violence" in Grenada, the bloody coup, but there is simply no evidence of such a Soviet role.

I take those few examples from many in an important story by Stuart Taylor Jr. in the *New York Times* of Sunday, Nov. 6. It filled a full page inside the paper — I wondered myself why it was not on page 1 — with careful, meticulous reporting of the inaccurate and unproven statements made by Administration officials during the Grenada operation, and of the facts concealed.

But will the public awareness ever catch up with the truth?

I doubt it. The reporter who has covered Ronald Reagan longer than anyone, and with a good deal of sympathy, Lou Cannon of the *Washington Post*, wrote:

"Reagan & Co. believe that they won a pair of glorious victories on the beaches of Grenada two weeks ago. The first was the defeat of the ragtag Grenadian army and band of armed

Cuban laborers. The second was the rout of the U.S. media. Reagan's advisers are convinced that the media are virtually devoid of public support in their protests of both the news blackout of the invasion and the misleading statements made about it."

Yes indeed. The President and his men have good reason to feel that way. Anyone in the press who thought the public loved all of us and our business — and you would have to have been pretty silly to think that — must have been disabused in the Grenada affair.

John Chancellor said his mail was running 10 to 1 against the protests that he voiced against the exclusion of reporters, and I think that was not untypical.

Standing up for the proposition that the press has a right — no, a duty — to examine the officially-stated premises of a war is not going to be easy.

I do not mean to put overwhelming emphasis on Grenada. It is part of a pattern whose significance is much greater as a whole.

For example, President Reagan's preference for secret wars is not limited to Grenada. He is encouraging and financing one against Nicaragua, and doggedly resisting Congressional efforts to end the covert character of that war.

We have learned lately that he has also undertaken a secret military plan of significance in the Middle East: to finance a special forces unit in Jordan that would deal with trouble throughout the region.

Secrecy in government more generally has been an objective of the Administration from the day it took office.

But the most important single action by President Reagan to insulate the government from informed criticism was his order last March imposing on more than 100,000 top officials in government a lifetime censorship system that would make them, even after leaving government service, submit for a clearance substantially everything they want to write or say on national security issues: books, articles for newspaper Op Ed pages, even fiction.

Before Cyrus Vance or Henry Kissinger could write about a disaster

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